

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NAUTILUS INSURANCE COMPANY,

Plaintiff

v.

COTE'S REMODELING, INC. and

MICHAEL P. COTE

Defendants

CIVIL ACTION NO.:
05-11388-RWZ

**JOINT MOTION TO EXTEND DEFENDANTS'
TIME TO ANSWER COMPLAINT**

The plaintiff Nautilus Insurance Company Inc., through counsel, and Michael P. Cote, pro se, hereby move to extend the time for the defendants to answer the plaintiff's complaint. In support of this motion the undersigned state:

1. This diversity jurisdiction action seeks a declaration whether the plaintiff has a duty to defend or indemnify its insured Cote's Remodeling, Inc. or its president, Michael P. Cote with respect to a claim made against Cote's Remodeling, Inc. and/or Michael P. Cote arising out of the death of David Ryan Marchand, when he fell from a roof while working on a home remodeling project on August 28, 2003.

2. The plaintiff and counsel for the Estate of David R. Marchand, Kimberly Marchand individually and as mother, legal guardian and next of kin of Patrick Marchand (the "Marchands") have reached a settlement in principle as to the resolution of the Marchands' civil claims against Cotes Remodeling, Inc. and Michael P. Cote contingent upon approval of the settlement by the Rhode Island Probate Court.

3. Counsel for the Marchands is preparing an application seeking approval of the settlement but no date for a hearing has yet been set by the Rhode Island Probate Court.

4. As the settlement concerns the interests of a minor, counsel for the Marchands also is preparing Rhode Island Supreme Court action seeking the appointment of a *guardian ad litem*, which will delay somewhat the Probate Court's ability to act on the proposed settlement. If the settlement is finalized and approved, then the parties expect to be able to resolve this case by a stipulated consent to judgment.

5. Counsel for the Marchands has represented that the settlement approval process could be concluded in the Rhode Island courts by the end of 2005.

WHEREFORE, in light of the above and for good cause shown in the interests of justice and judicial economy, the undersigned requests an extension of time for the defendants to answer the complaint until twenty days after the settlement is either approved or rejected by the Rhode Island Probate Court or such other time as the Court deems just and proper.

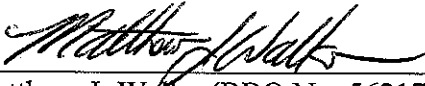
Respectfully submitted,

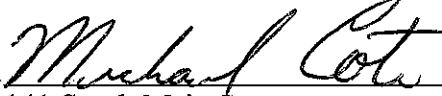
NAUTILUS INSURANCE COMPANY

MICHAEL P. COTE

By their attorneys,

Pro Se


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Bellingham, MA 02019
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10-20, 2005

10-11 -, 2005

CERTIFICATE OF SERVICE

I, Matthew J. Walko, hereby certify that I have caused a copy of the Joint Motion To
Extend Defendants' Time To Answer The Complaint to be served upon the defendants:

Michael Cote, President
Cote's Remodeling, Inc.
141 South Main Street
Bellingham, MA 02019

by first-class mail on this 20 day of October, 2005.



Matthew J. Walko